

Serial No.: 10/768,799
Filing Date: January 30, 2004

Docket No. 2156-088B
Examiner: R. Schilling

REMARKS

Claims 1-113 are currently pending in this application, and claims 12, 32, and 89 have been amended. Claims 12 and 32 were amended to overcome the rejection under 35 U.S.C. §112, second paragraph for indefiniteness and claim 89 was amended to correct a typographical error. No new matter is believed to have been added by virtue of these amendments.

Reconsideration and allowance of the above-captioned patent application in view of the amendments made above and the remarks to follow is respectfully requested.

Common Ownership of Present Application and U.S. Patent No. 6,806,018

Present application Serial No. 10/768,799 and U.S. Patent No. 6,806,018 were, at the time the invention of the present application 10/768,799 was made, commonly owned by MacDermid Printing Solutions, LLC. At this time, MacDermid Printing Solutions LLC is the owner of the present application and U.S. Patent No. 6,806,018.

U.S. Patent No. 6,806,018 application is assigned to MacDermid Graphic Arts. On August 2, 2002, MacDermid Graphic Arts LLC changed its name to MacDermid Printing Solutions as noted in the Certificate of Amendment to Certificate of Formation of MacDermid Graphic Arts, LLC attached hereto. Therefore, U.S. Patent No. 6,806,018 and the present application are commonly owned by MacDermid Printing Solutions.

Double Patenting Rejection

The Examiner has rejected claims 1-51 under the doctrine of obvious-type double patenting as being unpatentable over claims 1-48 of U.S. Patent No. 6,806,018. The Examiner has also rejected claims 52-113 under the doctrine of obvious-type double patenting

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as being unpatentable over claims 1-48 of U.S. Patent No. 6,806,018 in view of Gelbart '529, Gelbart '659, and Cushner et al.

Applicant believes that the Examiner is mistaken in grouping claims 38-51 with claims 1-37 because claims 38-51 are directed to a method of making a laser imageable printing sleeve, not a printing plate. Applicant believes that the Examiner may have intended to group claims 38-51 with claims 52-113, which are also directed to printing sleeves.

The Examiner has indicated that a timely filed terminal disclaimer may be used to overcome the obvious-type double patenting rejection so long as common ownership is established. A statement of Common Ownership of the present invention and the 6,806,018 patent is provided above.

Applicants are filing concurrently herewith a Terminal Disclaimer of the commonly owned 6,806,018 patent to avoid the obviousness-type double patenting rejection over claims 1-48 of the 6,806,018 patent, alone or in combination with Gelbart '529, Gelbart '659, and Cushner et al. Please charge Deposit Account No. 50-0447 the amount of \$130 under 37 C.F.R. 1.20(d), plus any deficiencies, for the filing of the Terminal Disclaimer.

Applicants believe that the rejection of the claims under the doctrine of obvious-type double patenting should be withdrawn in view of the concurrently filed Terminal Disclaimer. Reconsideration and withdrawal of the double patenting rejection is respectfully requested.

CONCLUSION

Applicants believe that the foregoing is a full and complete response to the Office Action of record. Accordingly, an early and favorable reconsideration of the rejection of the claims is requested. Applicants believe that claims 1-113 are now in condition for allowance and an indication of allowability and an early Notice of Allowance of all of the claims is respectfully requested.


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If Examiner feels that a telephonic interview would be helpful, he is requested to call the undersigned at (203) 575-2648 prior to issuance of the next Office action.

Respectfully submitted,

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